

RETURN DATE: JANUARY 8, 2019

MARC D'AMELIO

V.

CITY OF NORWALK
AND
NANCY CHAPMAN

: STATE OF CONNECTICUT

:

:

: SUPERIOR COURT

:

: JUDICIAL DISTRICT

: OF STAMFORD

:

:

:

: NOVEMBER 28, 2018

COMPLAINT

I. The Parties

1. The plaintiff, *Marc D'Amelio*, is, and was at all times relevant to this action, an adult resident of the State of Connecticut, City of Norwalk.

2. The defendant, *City of Norwalk*, is and was, at all times relevant to this action, a municipal entity with a business address of 125 East Avenue, Norwalk CT.

3. The defendant, *Nancy Chapman*, is, and was, at all times relevant to this action, an adult resident of the State of Connecticut, City of Norwalk.

II. The Facts

4. The plaintiff, Marc D'Amelio, was the Republican nominee for State Senator in the 25th Senate district, which includes the City of Norwalk.

5. The defendant, City of Norwalk maintains/operates and has full control over the Norwalk Police Department, which is a law enforcement agency pursuant to Connecticut General Statute section 54-142a, and has a statutory duty to comply with all requirements of 54-142a.

6. In September 2018 the Norwalk Police Department released two police reports of which the plaintiff was the subject.

7. The two reports were identical and detailed the same incident with the only difference being one copy had certain information redacted.

8. Said reports were barred from ever being disclosed pursuant to Connecticut General Statute section 54-142a.

9. Thomas E. Kulhawik is the chief of the Norwalk Police Department and its highest-ranking member.

10. On September 10, 2018 Chief Kulhawik admitted his department engaged in conduct prohibited by Connecticut General Statute section 54-142a related to the disclosure of these records, stating in an email that they were "released in error".

11. Said reports were not released in error.

12. Said reports were released by the plaintiff's political enemies within the Norwalk Police Department in a blatant attempt to influence the election scheduled for November 6, 2018.

13. Defendant Chapman is a progressive "blogger" and democratic operative.

14. Defendant Chapman purports to be a member of the media but she is not affiliated with any known media company or newspaper and holds no credentials from any legitimate media company.

15. Defendant Chapman maintains a self-published blog she calls "Nancy on Norwalk".

16. Said blog is the type that any member of the public can access and create free of charge provided they have access to a computer.

17. The blog "Nancy on Norwalk" is a webpage primarily comprised of Democrat and progressive propaganda, as well as local gossip related to citizens of the City of Norwalk and is in no way a legitimate source of news.

18. The website endorses only Democratic candidates including the plaintiff's democratic opponent, Bob Duff.

19. Bob Duff and defendant Chapman are personal friends and socialize together regularly.

20. On October 9, 2018 defendant Chapman published a defamatory article entitled "D'Amelio attorney say arrest expunged; threatens lawsuit".

21. Defendant Chapman admits in the article that she was warned publishing such an article under the circumstances would violate the law.

22. This article was written and published with actual malice and contained information contained within the reports.

23. In addition, this article contained numerous misleading statements designed to impugn the character of the plaintiff.

24. These misleading statements and information are nothing more than an attempt to influence the upcoming election in favor of the plaintiff's opponent, defendant Chapman's personal friend.

25. The Norwalk Police Department, through its highest-ranking member, Chief Kulhawik, explained the situation to defendant Chapman and requested defendant Chapman return the copies of the reports in her possession.

26. Defendant Chapman refused to return said reports and instead put forth that she was a member of the media and could not be sued for her conduct.

27. On November 6, 2018, Defendant Chapman, a registered Democrat, appeared at the plaintiff's election night celebration.

28. Defendant Chapman knew she was not welcome at this event yet attempted to "crash" it anyway.

29. Defendant Chapman's conduct was taken with actual malice and specifically designed to annoy and harass the plaintiff.

30. Security personal had to remove Defendant Chapman causing a scene that she did not report on her self published blog.

FIRST COUNT

Violation of CT Gen Statutes section 54-142a, as to defendant City of Norwalk

Plaintiff hereby realleges, as fully set forth herein, paragraphs 1 through 30, of this complaint.

31. In the manner described above, the conduct and actions of the defendants, that is releasing an un-redacted copy of the police report, violates 54-142a of the Connecticut General Statutes.

WHEREFORE the plaintiff claims judgment against the defendant City of Norwalk, for compensatory damages; punitive damages; attorney's fees and costs; and such other relief as this court deems fair and equitable.

SECOND COUNT

Violation of CT Gen Statutes section 54-142a, as to defendant City of Norwalk

Plaintiff hereby realleges, as fully set forth herein, paragraphs 1 through 30, of this complaint.

32. In the manner described above, the conduct and actions of the defendants, that is releasing an redacted copy of the police report, violates 54-142a of the Connecticut General Statutes.

WHEREFORE the plaintiff claims judgment against the defendant City of Norwalk, for compensatory damages; punitive damages; attorney's fees and costs; and such other relief as this court deems fair and equitable.

THIRD COUNT

False Light Invasion of Privacy (as to defendant Chapman)

Plaintiff hereby realleges, as fully set forth herein, paragraphs 1 through 30, of this complaint.

33. The actions of defendant Chapman, as described above, are that of publicizing material or information about the plaintiff that the defendant knowingly knew was false and misleading.

34. The defendant knew that the publicized material was false and misleading and would place the plaintiff in a false light or acted with reckless disregard as to whether the publicized material was false and would place the plaintiff in a false light.

35. The material so misrepresented the plaintiffs' character, history, activities or beliefs that a reasonable person in the plaintiffs' position would find the material highly offensive.

36. The plaintiff was offended and aggrieved and was justified in feeling so.

WHEREFORE the plaintiff claims judgment against the defendant Chapman, for compensatory damages; punitive damages; attorney's fees and costs; and such other relief as this court deems fair and equitable.

FOURTH COUNT

Negligent Infliction of Emotional Distress (as to all defendants)

Plaintiff hereby realleges, as fully set forth herein, paragraphs 1 through 30, of this complaint.

37. In the manner described above, the Norwalk Police Department was negligent in its treatment of the plaintiff in that in the exercise of due care it would have known that such conduct, specifically, the release of the reports by the Norwalk Police Department, would cause the plaintiff and any person of ordinary sensibilities to suffer emotional distress so severe that it could result in physical illness.

38. In the manner described above, the defendant Nancy Chapman, was negligent in her treatment of the plaintiff in that in the exercise of due care it would have known that such conduct, specifically, the refusal to return copies of the police reports when requested, would cause the plaintiff and any person of ordinary sensibilities to suffer emotional distress so severe that it could result in physical illness.

39. As a proximate result, the plaintiff has suffered and continues to suffer emotional distress in violation of Connecticut law.

WHEREFORE the plaintiff, claims judgment against the defendants, for compensatory damages; punitive damages; attorney's fees and costs; and such other relief as this court deems fair and equitable.

FIFTH COUNT

Intentional Infliction of Emotional Distress

Plaintiff, hereby realleges, as fully set forth herein, paragraphs 1 through 30, of this complaint.

40. In the manner described above, that is the Norwalk Police Department's action of releasing the police reports, the Norwalk Police Department engaged in extreme and outrageous conduct which was intended to cause the plaintiff to suffer severe emotional distress, in violation of Connecticut law.

41. In the manner described above, specifically defendant Chapman refusing to return the police report, the defendant Nancy Chapman engaged in extreme and outrageous conduct which was intended to cause the plaintiff to suffer severe emotional distress, in violation of Connecticut law.

42. As a proximate result, the plaintiff suffered emotional distress in violation of Connecticut law.

WHEREFORE the plaintiff, claims judgment against the defendants, for compensatory damages; punitive damages; attorney's fees and costs; and such other relief as this court deems fair and equitable.

THE PLAINTIFF,

MARC D'AMELIO

BY: 

Rob Serafinowicz (423695)
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HIS Attorney

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CITY OF NORWALK
AND
NANCY CHAPMAN

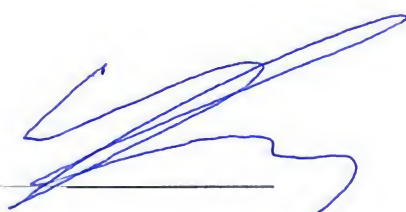
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: OF STAMFORD
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: NOVEMBER 28, 2018

DEMAND FOR RELIEF

The plaintiff claims damages in excess of \$15,000.

THE PLAINTIFF,

BY: _____



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